

- COMITE CIVICO DEL VALLE, INC. - COALITION FOR CLEAN AIR -
- NATURAL RESOURCES DEFENSE COUNCIL -INSTITUTE FOR SOCIO-ECONOMIC JUSTICE -
- CLEAN AIR INITIATIVE - CLINICAS DE SALUD - CULTIVO CONSULTING -
- PHYSICIANS FOR SOCIAL RESPONSIBILITY - SEELEY CITIZENS UNITED -
- CALEXICO NEW RIVER COMMITTEE -

May 25, 2010

California Air Resources Board
1001 I Street
Sacramento, CA 95812

Re: CARB Board Meeting, May 27, 2010- Agenda item 10-5-1 (Imperial County Air Quality and Consideration of the Imperial County PM10 State Implementation Plan)

Dear CARB Board Members:

Thank you for making the Imperial County PM10 State Implementation Plan (SIP) a priority by including its review on your agenda for the May 27, 2010 board meeting. The undersigned groups support a strong Imperial State Implementation Plan (SIP) that will ensure that Imperial County will meet the federal PM10 standard and protect the health of the community.

The current Imperial SIP contains weak measures for fugitive dust rules 800-806, and it does not go far enough to ensure that particulate matter air pollution is reduced to meet the federal PM10 standard. Recognizing this, the U.S. EPA Region 9 in December sent a letter to the California Air Resources Board (CARB) calling Imperial County's continual violations of the federal PM10 standard inexcusable.¹ The EPA's analysis of Imperial County Air Pollution Control District's Regulation VIII- fugitive dust rules 800-806, which was sent to CARB and Imperial County Air Pollution Board in February, outlined the deficiencies of the Imperial SIP and how it could be strengthened in order to reduce PM10 levels to reduce health risks.² The analysis also highlighted how a number of critical SIP measures do not meet the standards of other California air pollution control districts, namely the SCAQMD and SJVAPCD rules that reduce particulate matter pollution from similar sources. In the following example the U.S. EPA illustrates how the Imperial SIP measures need to be improved upon and brought up to par with other air districts:

¹ California Environmental Insider, Volume 23, Number 16, January 31, 2010.

² Technical Support Document for EPA's IX Notice of Proposed Rulemaking on Revisions to the California State Implementation Plan as submitted by the State of California, for the Imperial County Air Pollution Control District; EPA's Analysis of Imperial County Air Pollution Control District's Regulation VIII - Fugitive Dust Rules 800-806; United States Environmental Protection Agency, Region IX Air Division; February 20 10

“Rule 806 Section E lists CMPs intended to control emissions from agricultural land preparation and cultivation (which includes tilling), harvest activities, unpaved roads and traffic areas, but these CMPs are broadly defined and there is no other mechanism in the rule to ensure specificity. The absence of sufficiently defined requirements makes it difficult for regulated parties to understand and comply with the requirements, and makes it difficult for ICAPCD or others to verify compliance and to enforce the requirements if necessary. The lack of specificity similarly renders it difficult to assess whether the measures constitute BACM level controls. ICAPCD must revise Rule 806 to ensure that CMPs are enforceable and are implemented at a BACM level or demonstrate why such a rule revision is not necessary. SJVAPCD Rule 4550, for example, relies on an application submittal and approval process to ensure sufficient specificity of the particular measures implemented at each source. Great Basin Unified Air Pollution Control District (GBUAPCD) Rule 502 also has an application submittal and approval process. Alternatively, there may be another mechanism to ensure adequate specificity such as by revising and clarifying ICAPCD's CMP application forms.”³

Therefore, at a minimum, the Imperial SIP should include standards that meet those of other California air pollution control districts because of its serious nonattainment status.

The U.S. EPA has stated clearly that it could require rural areas such as Imperial County to adopt stricter controls on agriculture and other man-made sources of particulate pollution in order to attain the federal PM₁₀ standard. Imperial County Air pollution Control District acknowledged that further PM₁₀ rule improvements are needed in the SIP. In a letter addressed to the California Air Resources Board Chairwoman, Mary Nichols, on April 06, 2010 by the Imperial County Board of Supervisors, acting as the Imperial County Air Pollution Control District Board, stated that they have “directed staff to continue their efforts to explore and develop appropriate amendments in order to further improve fugitive dust rules to maximize public health benefits.” Furthermore, they assert that “the Imperial County APCD is committed to continuing this development of cost-effective rule amendments to further enhance the existing SIP” and “will make every attempt possible to bring the proposed amendments to a public hearing for adoption before the end of December 2010.”⁴ We are very supportive of Imperial County Air Pollution Control District’s commitment. Although we commend and recognize their commitment to improve the existing SIP, it is important that the Imperial County Air Pollution Control District, at a minimum, include the EPA’s recommendations to the amendments of the SIP.

³ Technical Support Document for EPA's IX Notice of Proposed Rulemaking on Revisions to the California State Implementation Plan as submitted by the State of California, for the Imperial County Air Pollution Control District; EPA's Analysis of Imperial County Air Pollution Control District's Regulation VIII - Fugitive Dust Rules 800-806; United States Environmental Protection Agency, Region IX Air Division; February 20 10, pg. 9-10.

⁴ Letter sent to Ms. Nichols from Imperial County Board of Supervisors on April 06, 2006 regarding the Imperial County SIP.

It is imperative that the Imperial SIP incorporate the recommendations made by the U.S. EPA regarding fugitive dust rules 800-806. The U.S. EPA has determined that Imperial APCD has a weak plan and the Imperial APCD has admitted it can do better. Therefore, the California Air Resources Board must take the only appropriate action in this situation. They must keep the Imperial APCD accountable to fulfilling their commitment to strengthen the SIP.

The California Air Resources Board has an opportunity right now to implement clean air solutions and serve the best interest of the community. Therefore, we respectfully request that CARB pass a resolution to send this weak SIP back to the Imperial Air Pollution Control District with the directive to strengthen it by implementing the U.S. EPA's recommendations or hold the SIP until the Imperial APCD has strengthened the measures within it. The resolution should include a deadline for the SIP to be completed no later than December 31, 2010. Only then will it merit review and approval by CARB to be sent to the EPA for final approval.

Thank you.

Sincerely,

Jose Luis Olmedo, Executive Director
Comite Civico Del Valle

Monique G. López, Campaign Associate
Coalition for Clean Air

Morgan Wyenn, Project Attorney
Natural Resources Defense Council

Eric Reyes, Executive Director
Institute for Socio-Economic Justice

Lucy Hernandez, Coordinator
Clean Air Initiative- American Lung Association

Leticia Ibarra
Clinicas De Salud

Martha Aceves Guzman
Cultivo Consulting

Martha Dina Argüello, Executive Director
Physicians for Social Responsibility - Los Angeles

Carolina Villa, Communications Director
Seeley Citizens United

Miguel Figueroa, Executive Director
Calexico New River Committee

Raul Navarro
Calipatria City Council Member

George A. Nava
Brawley City Business Owner
Member of the Brawley City Council

Anita Nicklen & Susan Massey
Imperial Valley Community Leaders

Enclosure: Imperial County Air Pollution Control District Board Member letter to CARB
addressed April 6, 2010;

Technical Support Document for EPA's IV Notice of Proposed Rulemaking on
Revisions to the California State Implementation Plan as submitted by the State
of California, for the Imperial County Air Pollution Control District, EPA's Analysis
of Imperial County Air Pollution Control District's Regulation VIII - Fugitive Dust
Rules 800-806, United States Environmental Protection Agency, Region IX Air
Division, February 20 10;

Letter sent to CARB by the U.S. EPA dated May 24, 2010

CC: Brad Poiriez, Imperial County Air Pollution Control District- Air Pollution Control
Officer
Jesus Ramirez, Imperial County Deputy APCO - Enforcement
Reyes Romero, Imperial County Deputy APCO - Planning
Supervisor Louis Fuentes, Imperial County Air Pollution Control District Board Member
Supervisor Gary Wyatt, Imperial County Air Pollution Control District Board Member
Supervisor Jack Terrazas, Imperial County Air Pollution Control District Board Member
Supervisor Michael W. Kelley, Imperial County Air Pollution Control District Board
Member
Supervisor Wally Leimgruber, Imperial County Air Pollution Control District Board
Member
Lynn Terry, California Air Resources Board- Deputy Executive Officer